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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,775	07/30/2003	Soon Jo Lee	9988.038.00-US	7792

7590

02/28/2005

MCKENNA LONG & ALDRIDGE LLP

Song K. Jung

1900 K Street, N.W.

Washington, DC 20006

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT

PAPER NUMBER

3749

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,887

Applicant(s)

LANGE ET AL.

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040809</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1, 3-5, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mele (US 4,051,858) in view of Bangerter (US 4,473,060). Mele is considered to disclose an assembly comprising:

a top cover **53** mounted on a side plate of a cabinet;

a fire plate **54** between the side plate and the top cover, for preventing fire taking from spreading outside; and

a cabinet holder **64** fastening the fire plate to the side plate. Examiner broadly construes the fire plate to be capable of preventing the spread of fire in the cabinet to an exterior under a reasonable interpretation of the definitions from the specification. Mele is also considered to disclose the claimed curved surface top cover and matching feature thereof, as shown in figures 1 and 4, including side contact mounting for preventing deformation by an external force. Mele is considered to disclose the claimed invention, except for the claimed laundry dryer. Bangerter, another dryer, is considered to disclose the claimed the laundry dryer at column 2 lines 6-26. The disclosed clothes is considered to anticipated the claimed laundry because both involve operations on wearing apparel. It would have been obvious to one skilled in the art to combine the teachings of Mele with the laundry dryer, as considered to be disclosed in Bangerter for the purpose of fire from spreading outside a laundry or clothes dryer.

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Claims 2, 6, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mele in view of Bangerter. Mele in view of Bangerter is considered to disclose the claimed invention, as discussed above under the obviousness rejection, except for the claimed plastic cover and center part grooves. It would have been an obvious matter of design choice to recite features including a plastic cover and center part grooves, since the teachings of Mele in view of Bangerter would perform the same function, in the same way, with the same result with or without the claimed plastic cover and center part grooves over the material and structure found in the prior art.

Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mele in view of Bangerter in further view of Carr (US 4,669,200). Mele in view of Bangerter is considered to disclose the claimed invention, as discussed above under the obviousness rejection, except for the claimed fastening pieces, first and second flanges, and inserting holes. Carr, another clothes dryer, is considered to disclose fastening pieces **52** and **54**, first and second flanges at column 2 lines 45-59, and inserting holes at column 2 line 68 wherein the disclosed stitching is considered patentably equivalent to the claimed inserting holes because to those skilled in the art stitching involves threading inserted through holes. It would have been obvious to one skilled in the art to combine the teachings of Mele in view of Bangerter with the considered disclosed features including fastening pieces, first and second flanges, and inserting holes, as found in Carr for the purpose of structurally securing components of a cover to side pieces.

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Claims 15 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mele in view of Marchand (US 6,119,678). Mele is considered to disclose the claimed invention, as discussed above under the obviousness rejection, except for the claimed side plate and front plate of a cabinet, door in a front surface of the front plate and control panel on the top cover. Marchand, another clothes dryer, is considered to disclose a side plate 12 and front plate 13 of a cabinet, door 40 in a front surface of the front plate and control panel 62 on the top cover. It would have been obvious to one skilled in the art to combine the teachings of Mele with the considered disclosed features including side plate and front plate of a cabinet, door in a front surface of the front plate and control panel on the top cover, as found in Marchand for the purpose of allowing control through a piece securing a fire plate. Furthermore, Mele in view of Marchand is considered to disclose the claimed invention, as discussed above, except for the claimed plastic cover and center part grooves. It would have been an obvious matter of design choice to recite features including a plastic cover and center part grooves, since applicants have not discussed the relative advantage of plastic cover and center part grooves over the material and structure found in the prior art.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mele in view of Marchand in further view of Helle (US 4,469,083). Mele is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed cabinet corner brackets including a hook fastener. Helle, another heated air exchanging cabinet, is considered to disclose a cabinet corner brackets including a hook fastener at column 2 lines 60-68. It would have been obvious to one

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skilled in the art to combine the teachings of Mele with the considered disclosed features including cabinet corner brackets including a hook fastener, as found in Helle for the purpose of allowing structural integrity through a fire plate securing piece.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carr in view of Masahiro (JP 2001212396). Carr is considered to disclose the claimed invention comprising:

a top cover **14** mounted on a side plate **12** of a cabinet; and

a cabinet holder **40** being configured to fasten the fire plate to the side plate wherein the cabinet holder includes a plurality of fastening pieces **50, 52, 54, & 56** configured for insertion into the fire plate. Carr is considered to disclose the claimed invention except for the claimed a fire plate disposed between the side plate and the top cover. Masahiro, another heated air exchanging cabinet, is considered to disclose a fire plate disposed between the side plate and the top cover in the last few lines of the English abstract translation. It would have been obvious to one skilled in the art to combine the teachings of Carr with the considered disclosed features including a fire plate disposed between the side plate and the top cover, as found in Masahiro for the purpose resisting fire inside a drum.

Response to Arguments

Current Office practice guides examination of applications such that claims must be interpreted using the broadest reasonable interpretation in light of the specification. In this case, applicants argue that the disclosed console has a narrower meaning than the claimed door. The specification discusses the door to permit access to the cabinet

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with an intended use of introducing or taking laundry to or from the cabinet. It is broadly construed that the claimed door is to provide access to the cabinet since the body of the claim does not recite the intended laundry use feature (referring to the last line of specification page 6 and the first line of specification page 7). The disclosed console of secondary reference Marchand is illustrated in its shipping, service, and/or repair position (column 4 line 26). This disclosed service and/or repair position implies that the console can be broadly construed to be a door since both the claimed door and disclosed console provide access to a cabinet that may include laundry, service items, and/or a repair area. Because the claim is interpreted broadly and reasonably in light of the specification, the rejection appears proper and maintained. Applicants further argue that since the primary and secondary reference do not obviate the claimed invention, the rejection must be withdrawn in light of a tertiary reference. Since the primary in view of secondary reference appears proper, the obviousness rejection under the tertiary reference is maintained.

Conclusion

Reference N, cited in this action, discloses a compartment fire plate.

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 703 308 7570. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 703 308 1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smg
December 3, 2004



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20040722

DATE MAILED:

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